

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RONNELL JASON LEBERRY,

Petitioner,

v.

JOHN HOWERTON,

Respondent.

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**No. 3:10-00624
Judge Sharp**

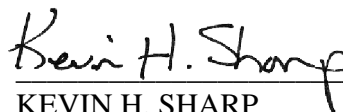
ORDER

For the reasons explained in the accompanying Memorandum, the Court enters the following rulings:

- (1) The Report and Recommendation (docket No. 63) is hereby ACCEPTED and APPROVED;
- (2) Petitioner's Objections to the Report and Recommendation (Docket No. 68) are hereby OVERRULED;
- (3) Petitioner's 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus (Docket No. 1) and his Amended Petition for Writ of Habeas Corpus (Docket No. 50) are hereby DENIED; and
- (4) A Certificate of Appealability is hereby issued solely on question of whether Petitioner can show cause for the procedural default of his ineffective assistance of trial counsel claims in light of the recent Supreme Court decision in Martinez v. Ryan, 132 S.Ct. 1309 (2012).

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is so ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE